

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Claims 1, 4, 7, 9, 10, 21-24, 27, 29, 30, and 32-35 are pending. Claims 3, 6, 8, 11-20, 25, 26, 28, and 31 were canceled previously. Claims 2, 5, and 22 are canceled by the present amendment. Claims 1 and 21 are amended. Claims 32-35 are newly added. Support for the amendments to Claims 1 and 21 can be found in now-canceled dependent Claims 2, 5 and 22 and on page 18, line 11 of the specification, for example. Support for newly added dependent Claim 32 can be found in the specification on page 17, line 18 – page 18, line 5, for example. Support for newly added dependent Claim 33 can be found on page 28, line 24 – page 29, line 1 of the specification, for example. Support for newly added dependent Claims 34 and 35 can be found in similar portions of the specification as support is found for Claims 32 and 33, respectively. No new matter is added.

In the outstanding Office Action, the allowability of Claims 8 and 28 was withdrawn. Claims 1, 2, 5, 7, 21, 22, 23, and 27 were rejected under 35 U.S.C. § 103(a) as obvious over Saito et al. (Japanese Patent Pub. 2002/027567A, herein “Saito”). Claims 4, 9, 10, 24, 29, and 30 were rejected under 35 U.S.C. § 103(a) as obvious over Saito in view of Mese et al. (U.S. Patent No. 5,396,443, herein “Mese”).

Regarding the rejection of Claim 1 as obvious over Saito, that rejection is respectfully traversed by the present response.

Saito describes a remote operation system for a substrate processing apparatus which can be operated from a remote operation unit (L) and a communication network between the remote operation unit (L) and a control unit of a substrate processing unit is enabled when there is user validation.

However Saito does not describe or suggest an allow setting section for performing the **allow setting of the remote operation and a communication allow setting section** for performing the allow setting of an information communication performed through said communication network, and the allow setting section and said communication allow setting section are provided only to the side of said substrate processing apparatus of said communication network, as is recited in amended independent Claim 1.

One benefit of the system recited in amended independent Claim 1 is that because a substrate processing apparatus that is on the side of the worker in the factory has the authority over the allow setting for the communication and remote operation, the substrate processing apparatus is not driven against the will of the side of the worker in the factory. Accordingly, there is less risk of injury to the worker and others by sudden operation of the apparatus.

Further, in Saito, user validation is carried out at side of remote operation unit (L), namely the side of supplier of substrate processing apparatus. This means that the authority of the allow setting for the remote operation is provided to the side supplier. Therefore, the supplier can carry out remote operation without any worker's approval. Thus, the system mentioned in Saito does not prevent the apparatus from being driven against the will of the worker of at the factory.

Moreover, according to the invention recited in amended independent Claim 1, the allow setting section for the remote operation and a communication allow setting section for the information communication is provided separately. Therefore, for example, in a case when only the information communication is allowed and when only trouble information is required, information communication can be carried out without allowing driving the apparatus by remote operation. Accordingly, risk to the worker is reduced.

In contrast, in Saito, both the information communication and the remote operation are enabled by carrying out the user validation. Hence, Saito does not carry out information communication without also allowing driving by remote operation.

Further, in the invention recited in amended independent Claim 1, the allow setting of the remote operation accompanying a driving of said substrate processing apparatus and an allow setting of the remote operation not accompanying the driving of said substrate processing apparatus are included in **separate stages**. Accordingly, remote operation not accompanying the driving of the substrate processing apparatus **can be allowed by itself**.

One benefit of the above-noted arrangement is that even if a third person approaches the substrate processing apparatus without knowing that the remote operation is being performed during the absence of the worker, the third person can be prevented from being injured by sudden driving by the remote operation. Accordingly maintenance work can be carried out more safely.

Saito is silent regarding this additional feature. Accordingly, amended independent Claim 1 and the claims dependent thereon patentably distinguish over Saito for at least the reasons discussed above.

Regarding the assertion on page 3 of the outstanding Office Action that the language following the "wherein" clauses in Claims 1 and 21 would be given no patentable weight, Applicant respectfully notes that there is no prohibition of the use of "wherein" clauses, and functional language should be given patentable weight based on its meaning to a person of ordinary skill in the art. Applicant further respectfully submits that Saito is not inherently capable of performing the functions recited in either of independent Claims 1 and 21, and even if Saito were capable of being modified to perform these functions, this capability alone is insufficient to establish obviousness.

Although newly added dependent Claims 32-35 each depend from one of Claims 1 and 21 and patentably define over the cited references for at least the same reasons as the independent claims, Applicant wishes to make the following additional remarks regarding Claims 32 and 33. Claims 34 and 35 recite substantially similar features to those discussed in Claims 32 and 33.

The maintenance system recited in newly added Claim 32 includes an individual setting section for setting depending on the respective contents of remote operation accompanying the driving of the substrate processing apparatus and remote operation not accompanying the driving of the substrate processing apparatus. Thus, if an allow setting only for certain remote operation of driving equipment to be required to drive is carried out when trouble occurs, unexpected driving of other driving equipment, which is not allowed to operate by remote operation is not permitted. In other words, this feature allows a user to specify which particular driving operations are permitted, and which driving operations are not permitted. Accordingly, maintenance work can be carried out even around the driving equipment, and maintenance work can be more effectively performed.

Saito is silent regarding this additional feature. Accordingly, newly added Claim 32 further patentably distinguishes over Saito for at least the additional reasons set forth above.

The maintenance system recited in newly added Claim 33 includes a display device for displaying the content of the static remote operation information which is changed by remote operation not accompanying the driving of said substrate processing apparatus. Accordingly, the worker can easily comprehend the changed matter during his absence.

Such an effect cannot be obtained in Saito. Accordingly, newly added Claim 33 patentably distinguishes over Saito.

Regarding the rejection of independent Claim 21 as obvious over Saito, amended independent Claim 21 recites substantially similar features to those discussed above

regarding amended independent Claim 1 and patentably distinguishes over Saito for at least the same reasons as independent Claim 1 does. Accordingly, Applicant respectfully submits that amended independent Claim 21 and each claim depending therefrom patentably distinguishes over Saito for at least the same reasons as independent Claim 1 does.

Newly added dependent Claims 34 and 35 recite substantially similar features to those discussed above regarding newly added dependent Claims 32 and 33, respectively.

Accordingly, Applicant respectfully submits that newly added dependent Claims 34 and 35 also further patentably distinguish over Saito for the features recited in these claims.

Regarding the rejection of Claims 4, 9, 10, 24, 29, and 30 as obvious over Saito in view of Mese, that rejection is respectfully traversed by the present response.

As discussed above, independent Claims 1 and 21 patentably distinguish over Saito. The outstanding Office Action relies on Mese for the feature of a sensor for detecting approach of a person to the substrate processing apparatus. However, Applicant respectfully submits that Mese fails to remedy the deficiencies discussed above regarding Saito with respect to amended independent Claims 1 and 21. Accordingly, Applicant respectfully submits that no proper combination of Saito and Mese would include all of the features recited in either of amended independent Claims 1 and 21 or Claims 4, 9, 10, 24, 29, and 30 depending therefrom.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for Claims 1, 4, 7, 9, 10, 21-24, 27, 29, 30, and 32-35 is earnestly solicited.

Applicants note that no **English translation** of Saito has been provided in the outstanding Office Action. Instead, only the English Abstract was provided. MPEP § 706.02 II makes clear that if a rejection is based on an English Abstract of a foreign language reference, a full English translation of the reference shall be supplied to the Applicants in the

next Office Action. Additionally, any Final rejection may not rely on the Abstract of a foreign language reference unless the Applicants are provided with a full English translation of the foreign language reference.

Should Examiner Edwards deem that any further action is necessary to place this application in even better form for allowance, she is encouraged to contact Applicant's undersigned representative at the below-listed telephone number.

Respectfully submitted,

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